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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,774	01/26/2001	Robert W. Monster	56739-8003.US00	4885

22918 7590 03/16/2007  
PERKINS COIE LLP  
P.O. BOX 2168  
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EXAMINER
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SAINT CYR, LEONARD

ART UNIT	PAPER NUMBER
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2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/744,774		MONSTER, ROBERT W.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Leonard Saint-Cyr		2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 53- 71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/02/07 has been entered.

### ***Specification***

2. The disclosure is objected to because of the following informalities: The provisional application number, regarding the related application, is incorrect. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 61, 62 – 66, 68 – 71 are rejected under 35 U.S.C. 102(e) as being anticipated by Bayer et al., (US Patent 6,311,190).

As per claim 61, Bayer et al., teach a method for creating a multi-region market research study, the method comprising (Abstract, lines 13 – 17):

providing on-line definition of the multi-region market research (“defined survey”; col.6, lines 34 – 36; 48, and 49); and

providing on-line check in for the translate study elements of the multi-region market research study translated from an original language(master language) into one or more target languages (“different languages”; col.3, lines 2 – 4; col.7, lines 4 , 5, and 16 – 21).

As per claim 62, Bayer et al., further disclose providing on-line check in for at least two of study questions, study messages, study pick lists (“country”), and study concepts (col.11, lines 19, and 20; col.13, lines 21, and 22).

As per claim 64, Bayer et al., further disclose providing on-line status monitoring for the translations (“entering a translation by the administrator, and repeating the process until the question is entered in the desired languages”; fig.4, element 17; col.24, line 59 – col.25, line 1).

As per claim 65, Bayer et al., teach a computer system comprising:

a computer-readable medium containing a plurality of programming instructions designed to automatically implement a plurality of functions in support of on-line creation of a multi-region market research study, the programming instructions including:

a first function to provide on-line definition of the multi-region market research study("defined survey"; col.6, lines 34 – 36; 48, and 49) including providing for on-line selection of one or more regions in which to conduct the search ("possible countries"; col.3, lines 2 – 4; col.7, lines 4 , 5, and 16 – 21);

a second function to notify one or more translation services ("langquestion table, and langanswer table") to translate study elements of the multi-region market research study expressed in an original language ("master language") into one or more target languages, wherein the one or more target languages ("different languages") relate to the one or more regions ("possible countries"; col.3, lines 2 – 4; col.7, lines 4 , 5, and 16 – 21);

a third function to provide on-line check in for the translated study elements; and  
a fourth function to provide on-line status monitoring for the translations ("entering a translation by the administrator, and repeating the process until the question is entered in the desired languages"; fig.4, element 17; col.24, line 59 – col.25, line 1);

a fifth function to provide for on-line selection of panelists from the one or more selected regions to participate in an on-line survey relating to the market research ("conducting surveys over a network to multiple voters in multiple countries; col.9, lines 9 – 12; col.20, lines 7 - 9); and

one or more processors coupled to the storage medium to execute the programming instructions ("the network server accesses and updates the records of multiple tables of the database"; col.2, lines 38 – 48).

As per claim 66, Bayer et al., further disclose selecting one or more countries/cities within a region in response to a selection of the region ("multiple countries throughout the world in different languages"; col.6, lines 40 – 42; col.2, lines 9 – 12).

As per claim 68, Bayer et al., further disclose notifying the one or more translation services includes automatically notifying the one or more translation services in response to on-line definition of the study ("the administrator is prompted as to whether to enter a translation..."; col.24, line 59 – col.25, line 1).

As per claim 69, Bayer et al., further disclose providing on-line check in for at least two of study questions, study messages, study pick lists ("country"), and study concepts (col.11, lines 19, and 20; col.13, lines 21, and 22).

As per claims 63, and 70, Bayer et al., further disclose separating store study questions, study messages, study pick lists, and study concepts ("elements may be stored in separate relate records in the table of the database"; col.2, line 64 – col.3, line 4)

As per claim 71, Bayer further disclose providing on-line status monitoring for the translations comprises a summary report of the translation status of the study elements by target languages ("entering a translation by the administrator, and repeating the process until the question is entered in the desired languages" suggest providing a summary report of the translation status; col.24, line 59 – col.25, line 1).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 53 – 60, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayer et al., (US Patent 6,311,190) in view of Hamlin et al., (US Patent 6,477,504).

As per claim 53, Bayer et al., teach a method for creating a multi-region market research study, the method comprising (Abstract, lines 13 – 17):

displaying information ("display characteristics") relating to a multi-region market research study, wherein the information provide on-line (network server) selection of one or more geographical regions in which to conduct the multi-region market study ("survey of one or more questions in the preferred language for the voter is generated"; col.2, lines 54 – 62, and line 66);

notifying one or more translation services ("langquestion table, and langanswer table") to translate study elements of the multi-region market research ("survey") study from an original language ("master language") into one or more target languages, wherein the one or more target languages ("different languages") relate to the one or more geographical regions ("possible countries"; col.3, lines 2 – 4; col.7, lines 4 , 5, and 16 – 21);

providing on-line check in for the translate study elements, and providing on-line status monitoring for the translations ("entering a translation by the administrator, and repeating the process until the question is entered in the desired languages"; fig.4, element 17; col.24, line 59 – col.25, line 1).

However, Bayer et al., do not specifically teach providing a real time cost estimate for the multi-region market research study, wherein the real time cost estimate is based at least in part on a selection of one or more of the geographical regions for conducting the study.

Himlin et al., teach defining a survey by identifying a target group of network users or respondents, and calculating the price for the survey (col.6, lines 54 – 59).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to calculate the price of the survey as taught by Himlin et al., in Bayer et al., because that would help alter the parameters of the survey to obtain an acceptable price when the price is unacceptable (col.10, lines 33 – 35).



As per claims 54, 59, Bayer et al., further disclose notifying the one or more translation services includes automatically notifying the one or more translation services in response to on-line definition of the study ("the administrator is prompted as to whether to enter a translation..."; col.24, line 59 – col.25, line 1).

As per claim 55, Bayer et al., further disclose providing on-line check in for at least two of study questions, study messages, study pick lists ("country"), and study concepts (col.11, lines 19, and 20; col.13, lines 21, and 22).

As per claim 56, Bayer et al., further disclose separating store study questions, study messages, study pick lists, and study concepts ("elements may be stored in separate relate records in the table of the database"; col.2, line 64 – col.3, line 4)

As per claim 57, Bayer further disclose providing on-line status monitoring for the translations comprises a summary report of the translation status of the study elements by target languages ("entering a translation by the administrator, and repeating the process until the question is entered in the desired languages" suggest providing a summary report of the translation status; col.24, line 59 – col.25, line 1).

As per claim 58, Bayer et al., further disclose providing on-line specification of statistical analyses for the multi-region market study ("summary comprising; both histogram and percentage"; col.3, lines 12 – 16).

As per claim 60, Bayer et al., further disclose automatically notifying one or more translation services via electronic mail ("the administrator is prompted as to whether to enter a translation" suggests electronic mail; col.24, lines 59 – 65).

As per claim 67, Bayer et al., do not specifically teach providing a real cost estimate for the multi-region market research study based at least in part on a number of the regions the study is to be conducted, and an amount of translation to be performed in conduct the study in the regions.

Himlin et al., teach defining a survey by identifying a target group of network users or respondents, and calculating the price for the survey (col.6, lines 54 – 59).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to calculate the price of the survey as taught by Himlin et al., in Bayer et al., because that would help alter the parameters of the survey to obtain an acceptable price when the price is unacceptable (col.10, lines 33 – 35).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dubner (US Patent 6,564,190) teaches a method and formulating an investment strategy for real estate investment.

Frost (US Patent 5,041,972) teaches a method of measuring and evaluating consumer response for the development of consumer products.

Watanabe et al., (US Patent 4,905,080) teach an apparatus for collecting television channel data and market research data.

Mckenna et al., (US Patent 4,816,904) teach a television and market research data collection system and method.

Cohen et al., (US Patent 5,740,035) teach self-administered survey systems, methods and devices.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard Saint-Cyr whose telephone number is (571) 272-4247. The examiner can normally be reached on Mon- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LS  
03/09/07



**RICHEMOND DORVIL**  
**SUPERVISORY PATENT EXAMINER**